

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 1, 4-5, and 8-9 are pending in the present application. By way of the present response, claims 1, 4 and 8 are amended, claims 2-3, 6-7 and 10-11 are cancelled, claims 9 and 5 remain unchanged. Applicant submits that upon entry of the present Reply, claims 1, 4-5, and 8-9 are in condition for allowance. Moreover, the Applicants submit that no new matter has been introduced by the foregoing amendments.

Rejections under 35 U.S.C. §103

In the outstanding Action, claims 1-4, 6-8, 10 and 11 were rejected under 35 U.S.C. §103(a) as unpatentable over U. S. Patent No. 7,184,430 to Schessel ("Schessel") in view of U.S. Patent Publication No. 2001/0015971 to Tanimura ("Tanimura"). Additionally, claims 5 and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schessel and Tanimura in further view of U.S. Patent No. 6,512,764 to Carew et al. ("Carew").

Addressing now the rejection of Claims 1-4, 6-8, 10 and 11 under 35 U.S.C. § 103(a) as unpatentable over Schessel in view of Tanimura, these rejections are respectfully traversed. Claims 1, 4, and 8 have been amended to overcome the rejection under 35 U.S.C. § 103(a).

The present invention generally relates to a gateway device that provides VOIP functionality and the like at the subscribers home. The primary reference, Schessel, on the other hand, does not disclose or suggest the structural equivalent to a communication line type dependent signal processing unit 23h and TDSW module 23g, as claimed and described in the present invention.¹

¹ As shown, for example, in Figure 5 of the present application.

Further, Tanimura teaches a system which unifies a telephone switchboard and a LAN telephone system and communalizes the service to every telephone² (the conventional type telephones sets 25, 26 the LAN type telephone sets 20 and 21). Tanimura teaches that "the gateway 14 has a function to makes PCM data from the time division switch 12 into an IP packet and transmit it to the LAN 34 and a function to transmit to the time division switch 12 a voice data contained in the IP packet received from the LAN 34."³

Thus, even if Schessel was combined with Tanimura, even the combination fails to teach or suggest all the recited features of amended claims 1, 4 and 8.

Now turning to the rejection of claims 5 and 9 as unpatentable over Schessel in view of Tanimura and further in view of U. S. Patent No. 6,512,764 to Carew. Carew discloses an access multiplexer for transmitting and receiving signals separating digitals signals from other communication signals.

However, neither Schessel, Tanimura nor Carew, alone or in combination, discloses or suggest that "a determination unit operable in order that said voice signals are output to a subscriber line exchange without conversion into packet signals depending upon said intended recipient identifier" and "a subscriber database for registering a default communication network and a communication network to be connected respectively for said subscribers in association with said intended recipient identifier" as recited in claim 1.

In the presently claimed invention, when a failure occurs in a communication line, the determination unit searches the subscriber database on the basis of said intended recipient identifier in order to select a communication network to be connected on the basis of the search

² See Figure 1 and paragraph [0018] of Tanimura.

³ See Tanimura, paragraph [0032] of Tanimura.

result, and the communication line type dependent signal processing unit makes a bypass connection through the other communication line without conversion into packet signals.

Conversely, in the system of Tanimura, when a failure occurs in one of communications networks, every line is connected to the always same communications network, without checking their e line types.

In the present invention, when a failure occurs in a communications network, each communication line is bypassed to the communications network suitable for the line type. Further, a bypass connection can be selected for each line type.⁴ Accordingly, the claimed gateway device, system and method of claims 1, 4, 5, 8 and 9 is not taught or suggested by even the combination of Schessel's system, Tanimura's system and Carew's system.

Consequently, the Examiner's rejection against claims 1, 4, and 8 U.S.C. 103(a) is respectfully requested to be withdrawn. And in light of the above discussion and in view of the present amendment, the other claims 2, 5-6, and 9-10 dependent on base claims 1, 4 and 8 are also believed to be in condition for formal allowance.

⁴ See the last paragraph of claims 1, 4 and 8 of the present invention.

CONCLUSION

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds of rejection are believed to have been overcome. The application, as amended, is believed to be in condition of allowance. An early and favorable action to that effect is respectfully requested.

Respectfully Submitted,
Maier & Maier, PLLC

/Timothy J. Maier/
Timothy J. Maier
Attorney of Record
Reg. No. 51,986